

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JOHN WILLIAM HETZEL

PLAINTIFF

v.

Civil No. 06-5024

DR. MULLINS; and
NURSE McDONALD

DEFENDANTS

ORDER

On October 4, 2006, defendants filed a motion to compel answers to discovery requests (Doc. 11). Defendants state they propounded interrogatories and requests for production of documents to the plaintiff on September 18, 2006.

Defendants attach to their motion to compel a letter they received from the plaintiff. Plaintiff states he is not answering any questions until he talks to a lawyer first. He further indicates he is waiting for the court to appoint him an attorney.

Under the Federal Rules of Civil Procedure, plaintiff has thirty (30) days to respond to the discovery requests. Fed. R. Civ. P. 33(b)(3) & 34(b). Plaintiff cannot refuse to respond to discovery requests merely because he is unrepresented. We note that there is no pending motion for an appointment of counsel. Even if plaintiff files a motion for appointment of counsel with the court, it does not excuse him from responding to the discovery requests in a timely manner.

Accordingly, defendants' motion to compel is granted. Plaintiff is directed to provide defendants with the required responses to the discovery requests **by 5:00 p.m. on November 3, 2006.**

Further, as it appears this case may be resolved on motion for summary judgment, the defendants are directed to file such a motion on or before **December 8, 2006**. Once the summary judgment motion is filed, the court will prepare a questionnaire to assist the plaintiff in

responding to the motion. For this reason, plaintiff is directed not to respond to the motion for summary judgment until so ordered by the court.

Dated this 18th day of October 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE